

App. No.: 10/820,656
Amdt. dated January 17, 2006
Reply to Office Action mailed December 23, 2005

Docket No.: 31176282-004001
(PATENT)

REMARKS

Applicants respectfully traverse the Examiner's Restriction Requirement. The examination of compositions comprising aerosolizable dry F.IX (Group II) and methods of treatment by inhaling the aerosolizable dry F.IX (Group I) would not place an undue burden upon the examiner. Group I and Group II have common subject matter, aerosolizable dry F.IX, therefore additional searches would not be required. With a total of 28 claims and only 5 independent claims, there is a limited amount of material to be searched for this application. By restricting these claims, the Examiner increases costs to the Applicant and reduces the length of patent coverage for material that must be pursued in subsequent patent filings. Applicants respectfully request that the Examiner reconsider the Restriction Requirement and examine claims 1-28 simultaneously.

CONCLUSION

Applicants have provisionally elected Group II, with traverse. Applicants retain the right to rejoin process claims that include all the limitations of allowable product claims. Applicants further retain the right to pursue any non-elected claims in a divisional application.

Please note that the inventors on the application as filed and the application data sheet are listed as, "Robert G. Schaub; Nicholas W. Warne; Andrew J. Dorner; David K. Gong; Jayne E. Hastedt; Chandra A. Webb; and James C. Keith." The first inventor should be "Schaub," and the inventors should be listed in the proper order on the issued application.

Please also note that the correspondence address is:

BAKER & MCKENZIE LLP
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
Houston, Texas 77002-2746 USA

Additionally, the current docket number is 31176282-004001.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. No fees are believed to be due for this submission. However, should there be any additional fees required, please charge such additional fees to Deposit Account No. 50-3420 (reference 31176282-004001 MDB).

Dated: January 17, 2006

Respectfully submitted,

BAKER & MCKENZIE LLP

By 

Michael D. Berger Ph.D., Patent Agent
Registration No.: 52,616
Pennzoil Place, South Tower
711 Louisiana, Suite 3400
Houston, Texas 77002-2746 USA
Tel: +1 713 427 5031
Fax: +1 713 427 5099
Attorneys For Applicants